



ATTORNEY DOCKET NO: 22000(1)9741 COMB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Placke, Michael E., et. al.	Art Unit: 1616
Serial No.: 10/066,831	Pryor, Alton N.
Filed: 02/04/2002	
For: Formulation And Methods For Treating Neoplasms by Inhalation	

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**Response to Requirement for Restriction Made
Pursuant to 37 CFR 1.141**

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

In the paper, dated February 12, 2003, response to which is due March 14, 2003, Applicants are required to elect a single disclosed species for prosecution on the merits if no generic claim is finally held allowable.

Examiner indicates that "...a method of treating cancer by treating a patient with a vesicant anticancer agent " is generic. To be precise, the generic claim is directed to a method of treating cancer using a vesicant anticancer agent where the active agent is administered to the patient via pulmonary drug delivery; i.e., the drug is administered by inhalation to the lung of the patient.

I. The Election

Applicants hereby elect dactinomycin (an alkylating agent) as the single disclosed species.

II. Claims That Read On Elected Species

Claims 128 – 150 are pending in the application.

CLAIMS THAT READ ON ELECTED SPECIES	CLAIMS THAT DO <u>NOT</u> READ ON ELECTED SPECIES
128 – 129, 131 135 – 137, 146 - 150	130, 132 – 134, 138 - 145

Respectfully submitted,

Dated: February 27, 2003

By: Patricia A. Coburn

Patricia A. Coburn

Certificate Under 37 CFR § 1.8(a)

I hereby certify that this
correspondence is being deposited
with the United States Postal Service
with sufficient postage as First Class
Mail in an envelope addressed to
Assistant Commissioner of Patents,
Washington, D.C. 20231

On _____, 2003

By:

Odelia A. Baker

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